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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO AREA JOINT WELFARE COMMITTEE FOR THE POINTING, CLEANING AND CAULKING INDUSTRY, LOCAL 52, *et al.*	)	CIVIL ACTION
Plaintiffs,	)	NO. 10 C 7091
v.	)	JUDGE JAMES B. ZAGEL
G. & C. CONSTRUCTION & SEALANTS, INC., an Illinois corporation,	)	
Defendant.	)	

AGREED JUDGMENT ORDER

This matter coming on to be heard upon Plaintiffs' Complaint, Defendant having been properly served and having agreed to the entry of judgment as set forth herein, the Court, first being fully advised in the premises, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.

2. The Defendant is bound by the terms of the collective bargaining agreement referred to in Plaintiffs' Complaint.

3. The Defendant is obligated to report and pay contributions to each of the Plaintiff Funds on behalf of its bargaining unit employees in accordance with the collective bargaining agreement.

4. The Defendant is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. Defendant has submitted monthly contribution reports to the Plaintiffs identifying employees of the Defendant who performed work covered by the collective bargaining agreement,

and the number of hours worked by or paid to those employees for the months of January 2010 through May 2010. Defendant reported and paid all such contributions late. Defendant has also submitted reports for June 2010 through January 2011, reflecting contributions due for those months, but has not paid the contributions reported as due. Accordingly, Defendant has been assessed 20% liquidated damages and interest (at the prime rate, 3.25%) on contributions paid late, or remaining unpaid, with interest calculated from the due date through the date the contributions were paid.

6. Based on the contributions reported and paid by Defendant for the months of January 2010 through May 2010, and the reported but unpaid contributions due for June 2010 through January 2011, taking into account all payments received to date, Defendant owes Plaintiffs contributions of $63,969.94, liquidated damages of $23,931.50, and interest of $1,494.89 (as of February 28, 2011).

7. Plaintiffs are entitled, at their discretion, to audit the payroll books and records of Defendant to verify the accuracy of the monthly reports referred to herein, and any other unaudited period, and to determine what additional amounts may be due and owing to Plaintiffs.

8. Because Defendant has failed to timely pay all contributions required to the Plaintiff Funds, as provided in the Agreements and Declarations of Trust governing the respective Funds, 29 U.S.C. §1132(g)(2) and 28 U.S.C. §1961, Plaintiffs are entitled to recover:

(a) liquidated damages and interest on all contributions paid late or remaining unpaid;

(b) the cost of auditing the payroll books and records of Defendant;

(c) the costs and expenses of the Trustees, including their reasonable attorneys' fees;

(d) post-judgment interest; and

(e) costs and attorneys' fees incurred in executing on, or otherwise collecting, this judgment.

9. Plaintiffs have incurred costs and reasonable attorneys' fees totaling $4,777.65, as of February 22, 2011.

10. There is no just cause for delay in the entry of a Judgment Order as to the sum of $94,173.98 owed to the Plaintiffs from Defendant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

A. That Plaintiffs recover from the Defendant, G. & C. CONSTRUCTION & SEALANTS, INC., $89,396.33, being the total amount remaining due for contributions, liquidated damages, and interest based on reports prepared by Defendant for January 2010 through January 2011.

B. That Plaintiffs recover from the Defendant, G. & C. CONSTRUCTION & SEALANTS, INC., the additional sum of $4,777.65 for costs and attorneys' fees incurred by the Plaintiffs.

C. That Plaintiffs recover from the Defendant, G. & C. CONSTRUCTION & SEALANTS, INC., the total sum of **$94,173.98**, plus post-judgment interest.

D. That Plaintiffs are awarded their costs and attorneys' fees to execute on, or otherwise collect this judgment.

ENTER:

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UNITED STATES DISTRICT JUDGE

DATED: 24 Feb 2011

WE HEREBY AGREE TO THE ENTRY OF THIS ORDER.

CHICAGO AREA JOINT WELFARE COMMITTEE FOR THE POINTING, CLEANING AND CAULKING INDUSTRY, LOCAL 52, *et al.*

/s/ Patrick N. Ryan
One of the Attorneys for the Plaintiffs:

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G & C CONSTRUCTION & SEALANTS, INC.

/s/ Todd A. Miller
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